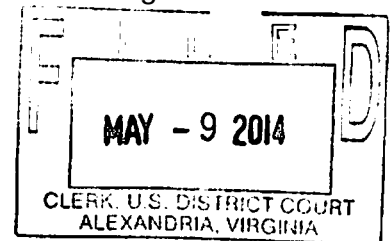


IN THE UNITED STATE DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)



JAY RAPPAPORT,

and

CENTURION ADVISORS, LLC

Plaintiffs,

v.

CARDINAL INDUSTRIAL MANAGEMENT, LLC,

and

CARDINAL CENTURION MANAGEMENT, LLC,

and

LONGO REAL ESTATE SERVICES, INC.,  
d/b/a Cardinal Industrial Real Estate Services,

and

GEORGE HICKER,

Defendants.

Case No.

1:14-CV-518  
(CMH/TCB)

**NOTICE OF REMOVAL**

Please take notice that defendants Cardinal Industrial Management, LLC ("CIM"); Cardinal Centurion Management, LLC ("CCM"); Longo Real Estate Services, Inc., d/b/a Cardinal Industrial Real Estate Services ("Longo"); and George Hicker ("Hicker"), by and through counsel, hereby remove this action from the Circuit Court for Fairfax County where the matter is styled *Jay Rappaport & Centurion Advisors, LLC v. Cardinal Industrial Management, LLC, Cardinal Centurion Management, LLC, Longo Real Estate Services, Inc., d/b/a Cardinal Industrial Real Estate Services, & George Hicker*, Civil Action No. CL-2014-4487, to the United States District

Court for the Eastern District of Virginia, Alexandria Division, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. In support thereof, the defendants state the following:

1. On April 1, 2014, the above-referenced case was filed in the Circuit Court for Fairfax County, Virginia.
2. Defendants Hicker and Longo were served by the Secretary of the Commonwealth. Pursuant to Va. Code § 8.01-329, service was effective on April 21, 2014. Defendants CIM and CCM appear now through undersigned counsel.
3. Pursuant to 28 U.S.C. § 1446(a), "a copy of all process, pleadings, and orders served upon such defendant" are attached to this Notice as Exhibit A and, by reference, made a part hereof.
4. On May 9, 2014, the defendants, by special appearance of counsel, filed a motion to dismiss for lack of personal jurisdiction with the state court where the matter is currently pending. A copy of that motion is attached hereto as Exhibit B and, by reference, made a part hereof.
5. On the same date, the defendants filed this Notice of Removal, which was filed within thirty (30) days of the initial service of process in this matter and is timely pursuant to 28 U.S.C. § 1446(b)(1).
6. On the same date, the defendants promptly provided written notice of this Notice of Removal to all adverse parties, by counsel, and to the clerk of the Circuit Court for Fairfax County, Virginia, as required by 28 U.S.C. § 1446(a). See Exhibit C.
7. According to 28 U.S.C. § 127(a), the United States District Court for the Eastern District of Virginia is the judicial district in the Commonwealth of Virginia where the state action is now pending.

8. According to Rule 3(B)(1) of the Local Rules of the United States District Court for the Eastern District of Virginia, the Alexandria Division is the correct division in the district where this action is now pending.

9. In their complaint, the plaintiffs allege two counts for breach of contract.

10. The United States District Court for the Eastern District of Virginia, Alexandria Division, has original jurisdiction over the plaintiffs' claims by virtue of diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

11. The amount in controversy between the parties exceeds the sum of \$75,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(a). The plaintiff has sued for "[a]ctual damages in the amount of \$269,416.44 for Breach of Contract alleged in Count I," and "[a]ctual damages in \$31,090.00 for Breach of Contract alleged in Count II." Compl. at 7. Pursuant to 28 U.S.C. 1446(c)(2), "the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy."

12. Also, there is complete diversity of citizenship between the parties.

13. As required by 28 U.S.C. § 1332 and Fourth Circuit precedent, "the state of citizenship of each plaintiff [is] different from that of each defendant." *Athena Auto., Inc. v. DiGregorio*, 166 F.3d 288, 290 (4th Cir. 1999).

14. Plaintiff Rappaport is an individual and resident of Virginia. Compl. ¶ 1.

15. Plaintiff Rappaport is also the controlling member of Plaintiff Centurion Advisors, LLC. Compl. ¶ 2.

16. "For purposes of diversity jurisdiction, the citizenship of a limited liability company . . . is determined by the citizenship of all of its members." *Cent. W. Va. Energy Co. v. Mt. State*

*Carbon, LLC*, 636 F.3d 101, 103 (4th Cir. 2011). The citizenship relevant to this inquiry is that which existed at the time the plaintiffs filed their complaint. *Athena Auto.*, 166 F.3d at 290.

17. Thus, Plaintiff Centurion Advisors, LLC is a citizen of Virginia according to the allegations of the complaint. *See* Compl. ¶ 2.

18. Defendant CIM is a Delaware limited liability company with its principal place of business in California. *See* Compl. ¶ 3. As of April 1, 2014, Defendant George Hicker and non-party Robb Wenrich are the sole members of CIM. Defendant Hicker is a resident of California. *See* Compl. ¶ 6. Non-party Robb Wenrich is a resident of Nevada. Thus, Defendant CIM is a citizen of California and Nevada.

19. Defendant CCM is also a Delaware limited liability company with its principal place of business in California. *See* Compl. ¶ 4. As of April 1, 2014, Defendant George Hicker, a resident of California, is its sole member. Thus, Defendant CCM is a citizen of California.

20. Defendant Longo is a California corporation with its principal place of business in California. *See* Compl. ¶ 5. A corporation is “a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business . . . .” 28 U.S.C. § 1332(c). Thus, Defendant Longo is a citizen of California.

21. Thus, all plaintiffs are citizens of Virginia; all defendants are residents of California; and Defendant CIM is also a resident of Nevada. There is complete diversity between the citizenship of all plaintiffs as compared to the citizenship of all defendants.

22. A jury trial has not been demanded by the plaintiffs in this matter.

23. The defendants demand a jury trial.

24. In filing this notice, the defendants reserve their right to challenge the personal jurisdiction of this court, seek transfer of venue pursuant to 28 U.S.C. § 1404(a), and pursue all other defenses under Rule 12 of the Federal Rules of Civil Procedure or that may exist in law.

WHEREFORE, defendants Cardinal Industrial Management, LLC; Cardinal Centurion Management, LLC; Longo Real Estate Services, Inc., d/b/a Cardinal Industrial Real Estate Services; and George Hicker, by counsel, hereby request that the United States District Court for the Eastern District of Virginia, Alexandria Division, assume jurisdiction over this matter pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, and make such other orders as are necessary and proper to address this controversy.

Respectfully submitted,

CARDINAL INDUSTRIAL MANAGEMENT, LLC,  
CARDINAL CENTURION MANAGEMENT, LLC,  
LONGO REAL ESTATE SERVICES, INC., d/b/a  
Cardinal Industrial Real Estate Services, and  
GEORGE HICKER

By Counsel

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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Notice was faxed and mailed, postage prepaid, on this 9<sup>th</sup> day of May, 2014, to:

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Jason C. Greaves, VSB No. 86164  
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John D. McGavin